

Kathleen Hartnett White, *Chairman*
Larry R. Soward, *Commissioner*
H. S. Buddy Garcia, *Commissioner*
Glenn Shankle, *Executive Director*



TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2007 JUL -2 PM 3:30

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY CHIEF CLERKS OFFICE

Protecting Texas by Reducing and Preventing Pollution

June 29, 2007

To: Persons on the attached Mailing List (By mail and facsimile as indicated)

Re: Application by Southern Crushed Concrete, Inc., to Change the Location of a Concrete Crushing Facility in Harris County; TCEQ Docket No. 2004-0839-AIR; SOAH Docket No. 582-05-1040.

Attached please find recent correspondence from Senator Rodney Ellis of District 13 concerning the matter referenced above. All parties are encouraged to file briefs regarding the City of Houston Ordinance referenced in Senator Ellis' correspondence. You are hereby notified that briefs must be filed with the Chief Clerk's Office no later than **5:00 p.m. on Wednesday, July 11, 2007**. Filings should include an original and eleven (11) copies, reference the above-mentioned TCEQ Docket number, and be filed to the attention of the Agenda Docket Clerk, MC 105, P.O. Box 13087, Austin, Texas, 78711.

If you have any questions regarding this matter, please feel free to contact John Sedberry, Assistant General Counsel, at 512-239-6575.

Respectfully,

A handwritten signature in black ink, appearing to read "Derek Seal".

Derek Seal
General Counsel

Mailing List
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Mailing List
Southern Crushed Concrete, Inc.
TCEQ Docket No. 2004-0839-AIR
SOAH Docket No. 582-05-1040

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Kyle Lucas
TCEQ Alternative Dispute
Resolution Program MC 222
P.O. Box 13087
Austin, Texas 78711-3087
512/239-0687 FAX 512/239-4015

The Honorable Rodney Ellis
Texas State Senate
P.O. Box 12068
Austin, Texas 78711
512/463-0113/512/463-0006



SENATOR RODNEY ELLIS
District 13

PRESIDENT PRO TEMPORE
1999 - 2000

The Senate of The State of Texas

RECEIVED

JUN 15 2007

Texas Commission on Environmental Quality
Commissioners' Offices

COMMITTEES:

Chair, Government Organization
Criminal Justice
Transportation & Homeland Security
State Affairs

June 14, 2007

Mr. Derek Seal
General Counsel
Texas Commission on Environmental Quality
Mail Code 101
P.O. Box 13087
Austin, TX 78711-3087

Dear Mr. Seal:

It is my understanding that the Texas Commission on Environmental Quality may hold a public hearing on the rock crushing permit that Southern Crushed Concrete is seeking for a site at 2350 Bellfort Avenue in Houston, Texas.

I would like to voice my strong opposition to the issuance of this permit and request that TCEQ not hold a hearing on this matter. I believe that the proposed site for the rock crushing facility is not in the best interests of the people and businesses in the surrounding neighborhoods or for the City of Houston. I have been working closely with the neighborhood groups, the City of Houston and Harris County to try and fashion a compromise or settlement to the issuance of a rock crushing permit that so many oppose.

Communities that are located in close proximity to concrete and rock crushing facilities have complained about the health risks and public nuisances issues that arise from the over-abundance of particulate matter that originates from the stockpiles and trucks associated with these facilities. These communities oftentimes have higher health-related problems attributable to these facilities. In addition, I am also concerned about the negative economic impact to the area. The property values of businesses and homes in the nearby area could cause an economic downturn in the area.

This past legislative session I introduced a bill that would have extended the distance requirements within which a rock crushing facility could operate. Unfortunately, this legislation did not pass, but I am determined to continue to push for more stringent distance and permitting requirements during the interim and the next legislative session.

Please include my opposition to the hearing on rock crushing permit in the record. I would appreciate an update on any developments on the rock crushing permit.

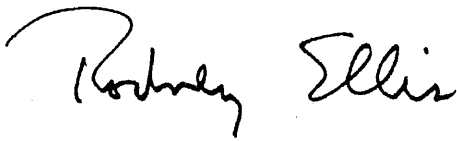
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FAX: (281) 261-4726

E-Mail: rodney.ellis@senate.state.tx.us

Sincerely,

A handwritten signature in black ink that reads "Rodney Ellis". The signature is written in a cursive, flowing style.

Rodney Ellis

RE:kb

cc: Congressman Al Green
 Congresswoman Sheila Jackson Lee
 Mayor Bill White
 Representative Borris Miles
 Harris County Commissioner El Franco Lee
 City of Houston Councilmember Ada Edwards
 Ms. Kathleen Hartnett White, Chairwoman
 Mr. Larry Soward, Commissioner
 Mr. Buddy Garcia, Commissioner
 Mr. Glenn Shankle, Executive Director
 Ms. Bessie Swindle



SENATOR RODNEY ELLIS
District 13

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The Senate of The State of Texas

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JUN 20 2007

Texas Commission on Environmental Quality
Commissioners' Offices

COMMITTEES:

Chair, Government Organization
Criminal Justice
Transportation & Homeland Security
State Affairs

June 18, 2007

Mr. Derek Seal
General Counsel
Texas Commission on Environmental Quality
Mail Code 101
P.O. Box 13087
Austin, TX 78711-3087

Dear Mr. Seal:

As a follow up to my June 14, 2007 letter, I am formally requesting that the Texas Commission on Environmental Quality not take up and consider the permit application for Southern Crushed Concrete at its next hearing. I would request sufficient time to review the effects of the application on my constituents and the neighborhood surrounding the proposed site at 2350 Bellfort Avenue in Houston, Texas. The Texas Legislature has just concluded a very busy session and I have not had the opportunity to thoroughly review the matter to determine the effect that the site will have on the land values in the area and what Title VI implications might be implicated. In addition, a complete review of a new City of Houston ordinance regarding concrete crushing facilities is warranted.

I have been working closely with the neighborhood groups, the City of Houston and Harris County to try and fashion a compromise or settlement to the issuance of a rock crushing permit that so many oppose.

Communities that are located in close proximity to concrete and rock crushing facilities have complained about the health risks and public nuisances issues that arise from the over-abundance of particulate matter that originates from the stockpiles and trucks associated with these facilities. These communities oftentimes have higher health-related problems attributable to these facilities. In addition, I am also concerned about the negative economic impact to the area. The property values of businesses and homes in the nearby area could cause an economic downturn in the area.

This past legislative session I introduced a bill that would have extended the distance requirements within which a rock crushing facility could operate. Unfortunately, this legislation did not pass, but I am determined to continue to push for more stringent distance and permitting requirements during the interim and the next legislative session.

I would appreciate an update on any developments on the Southern Crushed Concrete permit application.

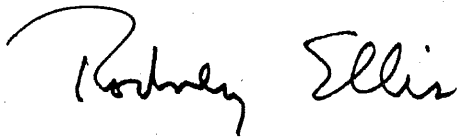
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Sincerely,

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Rodney Ellis

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Congresswoman Sheila Jackson Lee
Mayor Bill White
Representative Borris Miles
Harris County Commissioner El Franco Lee
City of Houston Councilmember Ada Edwards
Ms. Kathleen Hartnett White, Chairwoman
Mr. Larry Soward, Commissioner
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Ms. Bessie Swindle